

REMARKS

Claims 48-71 are pending and presently under consideration. Applicants respectfully request reconsideration in view of the following remarks. Issues raised by the Examiner will be addressed below in the order they appear in the prior Office Action.

1. Applicants note that the amendment received February 26, 2007 has been entered.

Priority

2. Applicants note that the specification has been updated to reflect the issuance of United States Patent No. 6,858,412.

Objections and Rejections that are Withdrawn

3. Applicants note with appreciation that the objection to the title has been withdrawn.
4. Applicants note with appreciation that the objection to the abstract has been withdrawn.
5. Applicants note with appreciation that the rejection under 35 U.S.C. 112, second paragraph, has been withdrawn.

Double Patenting

6. Claims 48-54, 56, 57, 60-62, and 64-71 are rejected on the ground of obviousness-type double patenting as allegedly unpatentable over claims 1-47 of U.S. Patent No. 6,858,412. Applicants note that the instant application is a continuation of and claims priority to U.S. Patent No. 6,858,412.

To expedite allowance of the instant application, Applicants enclose herewith a terminal disclaimer. Reconsideration and withdrawal of this rejection are requested.

7. Claims 55, 63, 58, and 59 are rejected on the ground of obviousness-type double patenting as allegedly unpatentable over claims 1-47 of U.S. Patent No. 6,858,412 in view of Speel (Speel, 1999, *Histochem Cell Biol* 112: 89-113). To expedite allowance of the instant application, Applicants enclose herewith a terminal disclaimer. Reconsideration and withdrawal of this rejection are requested.

8. Claims 48-71 are provisionally rejected on the ground of obviousness-type double patenting as allegedly unpatentable over claims 1-7 and 16 of copending Application Serial No. 11/152,460 ("the '460 application") in view of Speel. Applicants traverse.

Applicants note that the claims of the '460 application were amended in a response dated October 9, 2007. As such, the claims of the instant application and the claims of the '460 application are not directed to the same or obvious subject matter. Reconsideration and withdrawal of the rejection are requested.

Applicants additionally note that "[t]he 'provisional' double patenting rejection should continue to be made by the examiner in each application as long as there are conflicting claims in more than one application unless that 'provisional' double patenting rejection is the only rejection remaining in one of the applications. If the 'provisional' double patenting rejection in one application is the only rejection remaining in that application, the examiner should then withdraw that rejection and permit the application to issue as a patent, thereby converting the 'provisional' double patenting rejection in the other application(s) into a double patenting rejection at the time the one application issues as a patent." MPEP 804.

9. Claims 48-71 are provisionally rejected on the ground of obviousness-type double patenting as allegedly unpatentable over claims 48-72 of copending Application No. 11/335,196 ("the '196 application") in view of Steel. Applicants traverse.

The '196 application went abandoned for failure to pay the search and examination fees in reply to a Notice to File Missing Parts mailed February 1, 2006. As such, reconsideration and withdrawal of this rejection are requested.

10. Claims 48-71 are provisionally rejected on the ground of obviousness-type double patenting as allegedly unpatentable over claims 48-72 of copending Application No. 11/375,818 ("the '818 application") in view of Steel. Applicants traverse.

In accordance with MPEP 804, Applicants note that "[t]he 'provisional' double patenting rejection should continue to be made by the examiner in each application as long as there are conflicting claims in more than one application unless that 'provisional' double patenting rejection is the only rejection remaining in one of the applications. If the 'provisional' double patenting rejection in one application is the only rejection remaining in that application, the

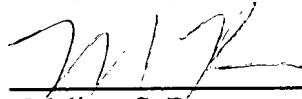
examiner should then withdraw that rejection and permit the application to issue as a patent, thereby converting the 'provisional' double patenting rejection in the other application(s) into a double patenting rejection at the time the one application issues as a patent." MPEP 804. Accordingly, Applicants request reconsideration and withdrawal of this rejection.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that the pending claims are in condition for allowance. Early and favorable reconsideration is respectfully solicited. The Examiner may address any questions raised by this submission to the undersigned at 617-951-7000. Applicants believe that no fees are due with reply. Should any extension of time be required, Applicants hereby petition for same and request that the extension fee and any other fee required for timely consideration of this submission be charged to **Deposit Account No. 18-1945, under Order No. AFMX-P02-201.**

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Respectfully Submitted,



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